

Date: January 3, 2000

DSL-BQA Memo 00-0001

To: Nursing Homes
Facilities for the Developmentally Disabled

NH - 01
FDD - 01

From: Jan Eakins, Chief
Provider Regulation and Quality Improvement Section

cc: Susan Schroeder, Director
Bureau of Quality Assurance

Payment for Transportation for ICF/MR Residents
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Attached is information we received from the federal Health Care Financing Administration Chicago Regional Office. This information deals with the ICF/MR benefit that includes all medically necessary services and items that the resident needs. The Bureau feels the enclosed information is useful in keeping all parties apprised of current events.

If you have any questions regarding this attachment, please contact either Dinh Tran at (608) 266-6646 or Jean Kollasch at (608) 267-0466.

HEALTH CARE FINANCING ADMINISTRATION
Chicago Regional Office, Midwest Consortium

Electronic Regional Program Letter

Date: April 8, 1999

From: HCFA, Chicago Regional Office, Division of Survey and Certification

Subject: Payment for Transportation for ICF/MR Residents – INFORMATION

To: State Survey Agency Directors

The ICF/MR benefit includes all medically necessary services and items that the resident needs. Included in the list of needs of each person who lives in an institution is the need to participate in social activities. Because the person lives in an institution, a social activities program includes participation in religious activities, if the client chooses. All needed services must be included in the resident's care plan.

Can ICFs/MR require residents to pay for transportation to and from community activities?

An ICF/MR is required to provide transportation to and from any activity that is included in a resident's plan of care. For example, when the facility, as part of a person's active treatment, chooses to teach the client "money skills" by going to McDonald's for lunch, that activity (including lunch and transportation) would be paid by the facility. In addition, required social activities such as bowling, movies, religious services, Special Olympics, that are in the individual's program plan (IPP) are a covered service, which includes transportation to and from the activity. If, however, a resident chooses to participate in a social activity that is not included in his/her IPP, the cost of the activity and the cost of transportation to and from that activity is paid for by the client with his/her personal funds.

Another question is whether a provider can refuse to transport residents to community activities which are independent from the facility's program; e.g. Special Olympics, social gatherings, and church activities, and, if the provider does have the right to refuse to provide transportation, can the provider refuse to assist the resident to make alternative transportation arrangements?

Under 42 CFR 483.420 and Tag W136 and W122, it is the facility's responsibility to actively provide each client choices of activities in which he/she might want to participate. When a client chooses an activity that is in addition to the social activities he/she has chosen to have included in the written plan of care, the facility must provide assistance with transportation commensurate with the resident's abilities. This assistance would include utilizing free transportation services, if available.

And finally, must the facility provide transportation to and from community employment?

Payment for transportation to and from community employment depends upon the kind of community employment program used by the facility. Many different arrangements are made by facilities for a person's participation in community employment programs. If vocational training or "community employment" is a part of the client's active treatment program and is a facility-arranged program, the facility is required to provide any needed transportation to and from that activity and payment for transportation would be included in the FFP for ICF/MR services. If the vocational training or "community employment" is provided under a separate State or Federal vocational program in which transportation is provided as a "related service," FFP would not be provided and it would be a State responsibility to ensure that double payment was not provided for that service.